IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(Docket No. 2382)

In re Application of:	)	
	)	
Balaji S. Thenthiruperai	)	
	)	
Serial No.: 10/691,273	)	**Examiner: Frantz B. Jean**
	)	
Filed: October 22, 2003	)	
	)	**Group Art Unit: 2154**
Confirmation No. 4931	)	
	)	
For: Method and System for Managing Abnormal Disconnects During a Streaming Media Session	)	

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P.O. Box 1450
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REASONS FOR REVIEW OF FINAL REJECTION

Applicants request review of the final rejection mailed November 27, 2007, because the Examiner has not set forth a sufficient basis for rejecting any of the claims.

In the office action mailed November 27, 2007, the Examiner rejected claim 1 under 35 U.S.C. § 112 as allegedly lacking sufficient antecedent basis. Furthermore, also under 35 U.S.C. § 112, the Examiner requested that Applicant provide support from the specification for the amendments to the claims. The Examiner also rejected claims 1, 4-5, 8-17, 24-25, and 27 under U.S.C. § 103(a) as being allegedly unpatentable over U.S. Patent Application Publication No. 2002/0065074 (Cohn) in view of U.S. Patent No. 6,894,994 (Grob). Further, the Examiner rejected claims 2-3 and 22-23 under U.S.C. § 103(a) as being allegedly unpatentable

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over Cohn and Grob in view of U.S. Patent No. 7,071,942 (Zaima). Yet further, the Examiner rejected claims 6-7 and 18-21 under U.S.C. § 103(a) as being allegedly unpatentable over Cohn and Grob in view of Applicant's background of the invention.

In the Applicant's Response After Final, Applicant has submitted claim modifications to address the Examiner's 35 U.S.C. § 112 rejection of claim 1. Additionally, Applicant has cited to support in the specification for previously presented claim modifications. Further, Applicant submits that the rejections under U.S.C. § 103(a) are clearly erroneous and should be withdrawn, because the invention recited in the independent claims does not logically or reasonably follow from the teachings of Cohn, Grob, and Zaima, and therefore would not have been obvious to one of ordinary skill in the art at the time the present invention was made.

Applicant respectfully requests the panel to review the remarks set forth in Applicant's response to the final office action, where Applicant explained clearly why the Examiner's proposed combinations of Cohn and Grob and Cohn, Grob, and Zaima would not logically result in the claimed invention. Applicant submits that the Examiner clearly erred for the reasons set forth in the Response After Final. Further, the Examiner's remarks in the Advisory Action do not overcome the points set forth in Applicant's Response After Final.

As noted in the Response After Final, Applicant's claims 1 and 17 are directed to methods for streaming multimedia to mobile devices. These methods include, for example, receiving from a mobile device a request for a multimedia stream, streaming a portion of the multimedia to the mobile device, detecting when the mobile device has lost wireless coverage, retaining an indication of at what point in the transmission of the multimedia stream the mobile device lost wireless coverage, and resuming the multimedia stream to the mobile device from approximately that point. These methods are not suggested by Cohn and Grob, and they do not

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follow reasonably from the disclosures of Cohn and Grob. Consequently, the Examiner has not established *prima facie* obviousness of the independent claims over Cohn in view of Grob, and the claims should be therefore be allowed.

Cohn is at best related to *downloading a file* to a mobile device, rather than streaming media to a mobile device. While the Cohn reference makes use of the word "stream" in various contexts, it actually teaches away from applying its process in connection with multimedia streaming as recited by Applicant's claims. For example, claim 1 of Cohn recites, *inter alia*, "...a content storage device that stores and transmits a data stream..." and, "...a transmission device that transmits the data stream from the data network to a wireless device..." Here, the "data stream" refers to media, stored in a server, that is transmitted to a wireless device.

Downloading media files such that devices can play these files back when not connected to a service provider is contrary to the well understood meaning of streaming media. This well understood meaning involves transmitting a media stream from a server to a client with the client playing out the media as it is streamed. At several points, including paragraphs 0007, 0026, and 0055, Cohn teaches away from applying its process in connection with media streaming as recited by Applicant's claims, and instead teaches downloading a file to a mobile device, for subsequent offline playout of the file. Thus, Cohn relates to downloading a file to a mobile device, for subsequent offline playout of the file by the wireless device. In contrast, Applicant's claims recite *streaming* media to a wireless device.

In rejecting claims 1 and 17, the Examiner correctly admitted that Cohn is deficient for failing to teach a BSC or a PDSN. However, Cohn is in fact far more deficient than that, as Cohn not only fails to teach a BSC or a PDSN, but also fails to teach applying the invention of Applicant's claims with respect to streaming media to a wireless device. To address the admitted

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deficiency of Cohn, the Examiner cited Grob. However, Grob fails to make up for both the admitted deficiency of Cohn, and the Cohn's aforementioned deficiency with respect to streaming media.

Claims 1 and 17 recite a base station controller (BSC) or a packet data serving node (PDSN) detecting termination of a wireless connection during a media streaming session, and responsively notifing the media server. Grob fails to disclose or suggest these limitations. Grob teaches a wireless data network that contains a BSC and/or a PDSN, but Grob's BSC and PDSN do not contain the claimed functions. The Examiner relied exclusively on Grob to teach a BSC or PDSN. Because Grob does not teach a BSC or PDSN in accordance with the claims, and because of Cohn's deficiencies, the claimed invention does not follow logically from the teachings of Cohn and Grob.

As noted in the Response After Final, Applicant's claim 27 recites, *inter alia*, a multimedia gateway in a data network, including functionality for receiving a streaming protocol command from a mobile device, the command operating as a request that multimedia content be streamed to the mobile device from a server coupled with the network, streaming at least a portion of the requested multimedia content received from the server to the mobile device via a PDSN, receiving a notification from the PDSN that a termination of the wireless connection occurred during the streaming, and communicating the notification to the server.

The Examiner again cited the Cohn reference as teaching the invention of Applicant's claims with respect to streaming media to a wireless device. For the same reasons discussed above, however, Applicant submits that Cohn relates to downloading a file to a mobile device for subsequent offline playout of the file by the wireless device, and fails to teach applying the invention of Applicant's claims with respect to streaming media to a wireless device.

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The Examiner again attempted to overcome Cohn's deficiencies by referring to Grob, and alleging that Grob, in Fig. 5 and Fig. 6, discloses a PDSN. In fact, these figures do *disclose* a PDSN, in that they are architectural diagrams of portions of wireless networks, some of which contain a PDSN. However, unlike Applicant's claims, Grob's PDSN does not include a mechanism to notify a multimedia gateway that a termination of a wireless device's wireless connection has occurred. Therefore, combining Grob's PDSN into Cohn's system would not result in the system recited by claim 27. Thus, the Examiner has not established that Grob teaches the missing elements of Cohn, that the combination of Cohn and Grob would result in what is recited by claim 27, or that this combination would render claim 27 obvious.

For these reasons, Applicant submits that the Examiner has clearly erred in rejecting the claims, and thus Applicant respectfully requests the panel to withdraw the rejections and direct that a Notice of Allowance be mailed.

Respectfully submitted,

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Dated: February 27, 2008

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PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional)
2382

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Application Number	Filed
10/691,273	October 22, 2003

First Named Inventor
Balaji S. Thenthiruperai

Art Unit	Examiner
2154	Frantz B. Jean

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).
Note: No more than five (5) pages may be provided.

I am the

☐ applicant/inventor.

☐ assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)

☒ attorney or agent of record.
Registration number 35,818

☐ attorney or agent acting under 37 CFR 1.34.
Registration number if acting under 37 CFR 1.34 _____

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February 27, 2008
Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required.
Submit multiple forms if more than one signature is required, see below*.

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